

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

KEITH HENDERSON,

Plaintiff,

v.

No. CV 20-1065 KG/CG

STATE OF NEW MEXICO,

Defendant.

**ORDER GRANTING LEAVE TO PROCEED PURSUANT TO 28 U.S.C. § 1915(b)
AND TO MAKE PAYMENTS OR SHOW CAUSE**

THIS MATTER is before the Court on Plaintiff Keith Henderson's *Application to Proceed in District Court without Prepaying Fees or Costs*, (the "Application"), in this civil rights action, (Doc. 3), filed on November 5, 2020. Based on analysis of the Application and the inmate account statement the Court grants Mr. Henderson leave to proceed under 28 U.S.C. § 1915(a) and (b). Because the Court grants the Application, the filing fee for this civil rights complaint is \$350.00. Pursuant to § 1915(b)(1), Mr. Trujillo is required to make installment payments until the full amount of the filing fee is paid.

Mr. Henderson's inmate account statement shows total deposits over the six-month period preceding filing in the amount of \$542.15 for an average monthly deposit of \$90.36. (Doc. 3 at 4-9). Therefore, analyzing his inmate account statement, (Doc. 3 at 4-9), under § 1915(b)(1), the Court finds that Mr. Henderson owes an initial partial payment of \$18.07 (20% of \$90.36). If Mr. Henderson fails to make a payment by the designated deadline or show cause why such payment should be excused, the civil rights complaint may be dismissed without further notice.

IT IS THEREFORE ORDERED that Mr. Henderson's *Application to Proceed in District Court without Prepaying Fees or Costs*, (Doc. 3), is **GRANTED**.

IT IS FURTHER ORDERED that by **April 22, 2021**, Mr. Henderson send to the Clerk an initial partial payment of \$18.07 or show cause why payment should be excused.

IT IS FURTHER ORDERED that the Clerk is directed to provide Mr. Henderson with two copies of this Order, and that Mr. Henderson make the necessary arrangements to attach one copy of this Order to the check in the \$18.07 amount of the initial partial payment.

IT IS FINALLY ORDERED that, after payment of the \$18.07 initial partial fee, Mr. Henderson make monthly payments of twenty per cent (20%) of the preceding month's income credited to his account or show cause why the designated payments should be excused.

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE